

65. (New) The kit of claim 62, wherein the DNA is synthetic DNA.--

**REMARKS**

**A. State of the Claims**

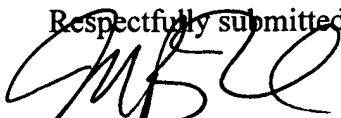
Claims 34, 36, 37, and 41-55 were pending after entry of the first Preliminary Amendment. Claims 34, 36, 41, 43, 44, and 49-52 have been amended in the Amendment contained herein. Claims 56-65 have been added by amendment in the amendment contained herein. Therefore, claims 34, 36, 37, and 41-65 are presently pending. Support for all of these claims is found in the specification and claims as originally filed. No new matter has been added.

For the convenience of the Examiner, Appendix A is attached hereto containing the amended claims with editing indicia, and Appendix B is attached hereto containing a clean set of the pending claims as they will exist after entry of this amendment.

**B. Conclusion**

Applicants have submitted amendments which are believed to place this case in better condition for examination. Should the examiner have any questions or comments regarding the present case, the examiner is earnestly solicited to contact the undersigned Applicants' representative at (512) 536-3035.

Respectfully submitted,



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Date: January 4, 2002

**APPENDIX A**  
**Amended Claims with Editing Indicia**

34. (Twice Amended) An antibody obtained by administering to an animal one or more clones of an expression library prepared from [cDNA or fragmented genomic] DNA of a selected cell or synthetic DNA and collecting at least one antibody generated in response to an antigen or antigens expressed from said DNA.

36. (Twice Amended) An immunodetection kit for detecting a pathogen, comprising:

- (a) an antibody or antibodies prepared by administering to an animal one or more clones of an expression library prepared from [cDNA or fragmented genomic] DNA of a selected cell or synthetic DNA and collecting at least one antibody generated in response to an antigen or antigens expressed from said DNA;
- (b) a suitably aliquoted composition of the pathogen; and
- (c) an immunodetection means.

41. (Amended) The antibody of claim [34] 56, wherein the selected cell is a pathogen cell.

43. (Amended) The antibody of claim [34] 56, wherein the selected cell is a tumor cell.

44. (Amended) The antibody of claim [34] 56, wherein the selected cell is a bacterial cell.

49. (Amended) The kit of claim [36] 61, wherein the selected cell is a pathogen cell.

50. (Amended) The kit of claim [36] 49, wherein the pathogen is a virus, yeast, mold, yeast, algae or protozoa.

51. (Amended) The kit of claim [36] 61, wherein the selected cell is a tumor cell.

52. (Amended) The kit of claim [36] 61, wherein the selected cell is a bacterial cell.
56. (New) The antibody of claim 34, wherein the DNA is from a selected cell and the selected cell is further defined as a pathogen, tumor, or bacterial cell.
57. (New) The antibody of claim 34, wherein the DNA is cDNA, fragmented genomic DNA, or synthetic DNA.
58. (New) The antibody of claim 57, wherein the DNA is cDNA.
59. (New) The antibody of claim 57, wherein the DNA is fragmented genomic DNA.
60. (New) The antibody of claim 57, wherein the DNA is synthetic DNA.
61. (New) The kit of claim 36, wherein the DNA is from a selected cell and the selected cell is further defined as a pathogen, tumor, or bacterial cell.
62. (New) The kit of claim 36, wherein the DNA is cDNA, fragmented genomic DNA, or synthetic DNA.
63. (New) The kit of claim 62, wherein the DNA is cDNA.
64. (New) The kit of claim 62, wherein the DNA is fragmented genomic DNA.
65. (New) The kit of claim 62, wherein the DNA is synthetic DNA.

**APPENDIX B**  
**Pending Claims**

34. An antibody obtained by administering to an animal one or more clones of an expression library prepared from DNA of a selected cell or synthetic DNA and collecting at least one antibody generated in response to an antigen or antigens expressed from said DNA.

36. An immunodetection kit for detecting a pathogen, comprising:

- (a) an antibody or antibodies prepared by administering to an animal one or more clones of an expression library prepared from DNA of a selected cell or synthetic DNA and collecting at least one antibody generated in response to an antigen or antigens expressed from said DNA;
- (b) a suitably aliquoted composition of the pathogen; and
- (c) an immunodetection means.

37. The kit of claim 36, wherein the pathogen is identified *Mycoplasma pulmonis*, *Mycobacterium tuberculosis* or *Listeria monocytogenes*.

41. The antibody of claim 56, wherein the selected cell is a pathogen cell.

42. The antibody of claim 41, wherein the pathogen is a virus, yeast, mold, yeast, algae or protozoa.

43. The antibody of claim 56, wherein the selected cell is a tumor cell.

44. The antibody of claim 56, wherein the selected cell is a bacterial cell.

45. The antibody of claim 44, wherein the bacterial cell is a *Mycoplasma pulmonis*, *Mycobacterium tuberculosis* or *Listeria monocytogenes* cell.

46. The antibody of claim 44, wherein the bacterial cell is a *Mycoplasma pulmonis* cell.

47. The antibody of claim 44, wherein the bacterial cell is a *Mycobacterium tuberculosis* cell.
48. The antibody of claim 44, wherein the bacterial cell is a *Listeria monocytogenes* cell.
49. The kit of claim 61, wherein the selected cell is a pathogen cell.
50. The kit of claim 49, wherein the pathogen is a virus, yeast, mold, yeast, algae or protozoa.
51. The kit of claim 61, wherein the selected cell is a tumor cell.
52. The kit of claim 61, wherein the selected cell is a bacterial cell.
53. The kit of claim 36, wherein the bacterial cell is a *Mycoplasma pulmonis* cell.
54. The kit of claim 36, wherein the bacterial cell is a *Mycobacterium tuberculosis* cell.
55. The kit of claim 36, wherein the bacterial cell is identified is a *Listeria monocytogenes* cell.
56. The antibody of claim 34, wherein the DNA is from a selected cell and the selected cell is further defined as a pathogen, tumor, or bacterial cell.
57. The antibody of claim 34, wherein the DNA is cDNA, fragmented genomic DNA, or synthetic DNA.
58. The antibody of claim 57, wherein the DNA is cDNA.
59. The antibody of claim 57, wherein the DNA is fragmented genomic DNA.
60. The antibody of claim 57, wherein the DNA is synthetic DNA.

61. The kit of claim 36, wherein the DNA is from a selected cell and the selected cell is further defined as a pathogen, tumor, or bacterial cell.

62. The kit of claim 36, wherein the DNA is cDNA, fragmented genomic DNA, or synthetic DNA.

63. The kit of claim 62, wherein the DNA is cDNA.

64. The kit of claim 62, wherein the DNA is fragmented genomic DNA.

65. The kit of claim 62, wherein the DNA is synthetic DNA.